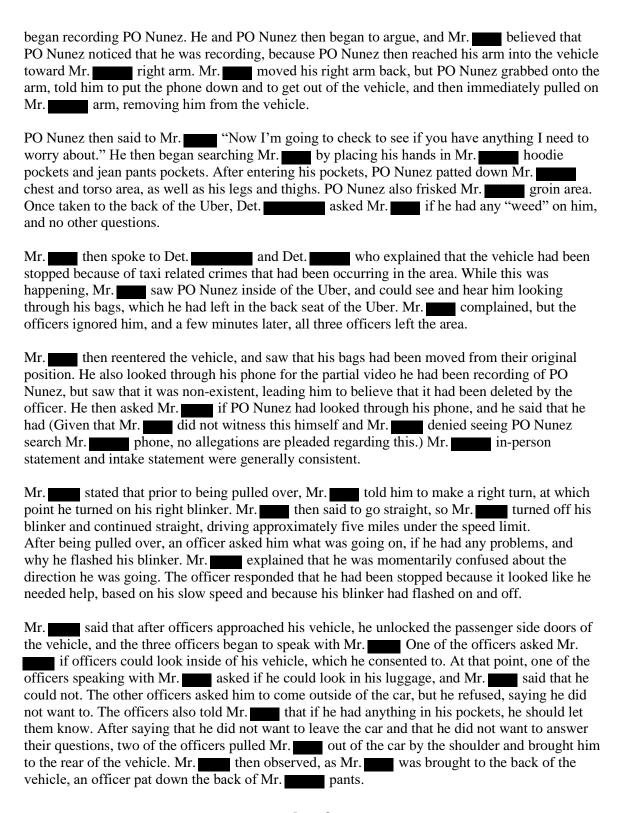
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:		CCRB Case #:	$\overline{\mathbf{V}}$	Force		Discourt.		U.S.
		Squad #3	3	201704156	☑	Abuse		O.L.		Injury
Incident Date(s)		Location	of Incident:	•		Precinct:		S.O.L	. Exp	oires:
Wed, 05/24/2017 1:50 AM		1482 Mc	orris Avenue			44		11/2	24/20	18
Date/Time CV Reported		CV Repo	orted At:	How CV Reported:		Date/Time Re	eceive	d at CCRB		
Fri, 05/26/2017 8:30 AM		CCRB		Phone		Fri, 05/26/201	17 8:	30 AM		
Complainant/Victim	Type		Home Addre	ess						
1.	Comp/Vi	ictim								
2.	Victim									
Subject Officer(s)	Shield		TaxID	Command						
2. POM Daniel Nunez	18750			SRG						
Officer(s)	Allegatio	n				Invest	igato	r Recomn	nend	ation
A . POM Daniel Nunez	Abuse of vehicle in occupant	n which		er Daniel Nunez sto		d the A. Ur	isubs	tantiated		
D. POM Daniel Nunez				eer Daniel Nunez que						
E . POM Daniel Nunez	Abuse of with	Authority		er Daniel Nunez inte ording device.	erfe	red E. Un	subs	tantiated		
F. POM Daniel Nunez	Force: Po	olice Offic	cer Daniel Nui	nez used physical for	ce	F. Un	subst	antiated		
G . POM Daniel Nunez	Abuse of	Authority	y: Police Offic	eer Daniel Nunez sea	rche	ed G. Ur	isubs	tantiated		
H . POM Daniel Nunez	Abuse of	Authority	y: Police Offic	eer Daniel Nunez fris	sked	H. Ur	ısubs	tantiated		
J. POM Daniel Nunez		olice Offic ry as requ		nez failed to prepare	a m	emo J. Oth	ner M	isconduct		

Case Summary

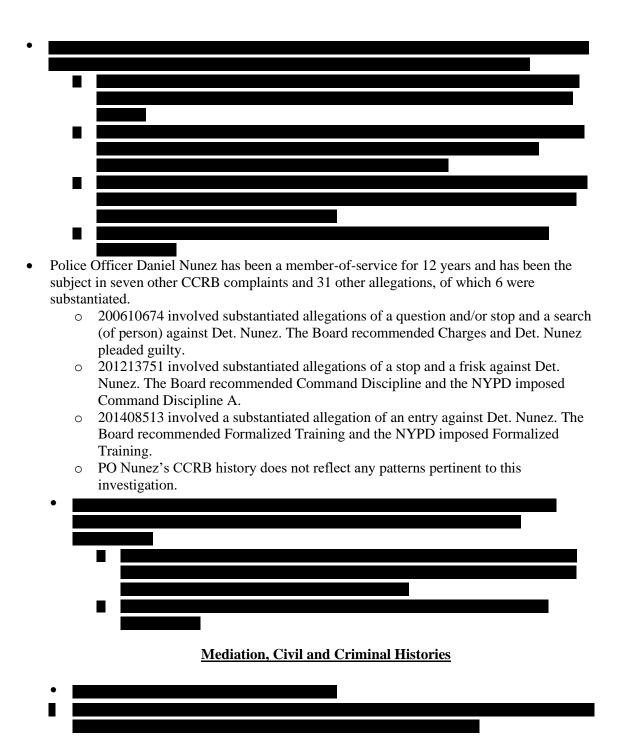
On May 26, 2017, made this complaint to the CCRB via telephone.						
On May 24, 2017, at approximately 1:50 A.M., Mr. was the passenger of an Uber driven by in the vicinity of 1482 Morris Avenue in the Bronx, when their vehicle was allegedly stopped by Police Officer Daniel Nunez, Detective and Detective all of the Strategic Response Group (Allegations A, Abuse of authority, unsubstantiated). After the Uber was stopped, the officers began speaking with Mr. while PO Nunez began speaking with Mr. At that time, PO Nunez allegedly began to question Mr. (Allegation D: Abuse of authority, unsubstantiated), at which point Mr. allegedly began filming. An argument ensued between him and PO Nunez, who allegedly pulled Mr. from the vehicle, interrupting his video recording (Allegation E: Abuse of Authority and Allegation F: Force, unsubstantiated). Mr. was then subsequently searched and frisked by PO Nunez (Allegations G and H: Abuse of authority, unsubstantiated). Det. then allegedly questioned Mr. as PO Nunez searched Mr. belongings, which were inside of the Uber and Det. did not prepare memo book entries as required (Allegations J, Other, other misconduct). No arrests were made nor summonses issued as a result of this incident.						
No video footage was found that captures this incident.						
Findings and Recommendations						
Allegation A – Abuse of Authority: Police Officer Daniel Nunez stopped the vehicle in which and were occupants.						
Allegation D – Abuse of Authority: Police Officer Daniel Nunez questioned Allegation E – Abuse of Authority: Police Officer Daniel Nunez interfered with use of a recording device. Allegation F –Force: Police Officer Daniel Nunez used physical force against Allegation G – Abuse of Authority: Police Officer Daniel Nunez searched						
Allegation H – Abuse of Authority: Police Officer Daniel Nunez frisked						
Mr. stated that he was traveling in the back seat of an Uber operated by Mr. when their vehicle was pulled over by an unmarked police vehicle. After the unmarked vehicle turned on its lights and sirens, indicating that the Uber had been stopped, PO Nunez, Det. and Det. approached the vehicle.						
PO Nunez asked Mr. where he was going, and if he had anything on him he needed to "worry about." At that point, Mr. took out his cellphone and held it in his right hand, and Page 2						



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At this time, one of the officers asked Mr. if he had drugs or weapons, and entered the back seat of the taxi and searched Mr. bags by putting his hands inside of them. While in the car, that officer also picked up Mr. phone, which was on the seat, and turned it around in his hands, looking at the front and back side. The phone's screen remained dark during that time. The officer then placed the phone back onto the seat when he was finished holding it, and soon after the officers left the area.
Neither PO Nunez, Det. nor Det. recalled ever interacting with Mr. or Mr. on the night of the incident or at any time, and did not recall an incident with similar facts as the one described by Mr. or Mr.
Documentation and officer descriptions determined that PO Nunez, Det. and Det. were the officers who stopped Mr. and Mr. (05-13 Board Review).
Mr. and Mr. who have no relationship outside of this interaction, provided consistent accounts of the incident. Therefore, the investigation credits that these allegations occurred. However, given Mr. actions, observations and conversation with the officers during the incident and without officer testimony, the investigation was unable to determine, by a preponderance of the evidence, whether the officers were justified in performing the alleged actions. It is therefore recommended that Allegations A through be <i>unsubstantiated</i> .
Allegation J – Other: Police Officer Daniel Nunez failed to prepare a memo book entry as required.
Neither PO Nunez, Det nor Det prepared a memo book entry for the incident. In fact, PO Nunez's memo book only noted one police action he took that day while Det and Det memo books did not note any police actions they took that day (06 Board Review).
P.G. 212-08 says that all officers below the rank of captain must make activity logs to include tasks performed, information pertinent to an assignment or observed/suspected violation of law, and action taken (04 Board Review). Therefore, it is recommended that they be cited for <i>other misconduct</i> .
Civilian and Officer CCRB Histories
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D. 4

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Squad No.:	3		
Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date